IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 2635 of 2007(L)

PETITIONER:

RADHAKUNJAMMA,
THEKKEMANTHIYATH HOUSE, WEST KADUNGALLOOR, ALUVA.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE,
CIVIL STATION, KAKKANAD.

2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, K.S.E.B., ALUVA.

3. SMT.THANKAMANI, W/O.MURALI,
ARYACHERY KANDAM, WEST KADUNGALLOOR, ALUVA.

BY ADV. SRI.S.B.PREMACHANDRA PRABHU
SRI.JOSE J.MATHEIKEL, SC, KSEB
GOVT.PLEADER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 2635/2007 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the order passed by the 1st respondent dated 01-01-2007

Ext.P2: True copy of application filed by the 2nd respondent to the 1st respondent along with sketch

Ext.P3: True copy of the objection along with sketch are filed by the petitioner

Ext.P4: True copy of the representation filed by the petitioner to the 2nd respondent

Ext.P5: True copy of the representation filed by the petitioner to the 2nd respondent

Ext.P6: True copy of the representation filed by the petitioner to the 2nd respondent dated 07-07-2006

Ext.P7: True copy of the application filed by the petitioner to the District Collector, Ernakulam

Ext.P8: True copy of the objection filed by the petitioner to the 2nd respoondent dated 06-05-2006

Ext.P9: True copy of the objection filed by the petitioner to the 2nd respondent dated 03-05-2006

Ext.P10: True copy of the objection filed by the petitioner to the 2nd respondent.

//True copy//

K.BALAKRISHNAN NAIR, J.

WP(C).No.2635 of 2007-L

Dated this the 14th day of February, 2007.

JUDGMENT

The petitioner has approached this court challenging Ext.P1 proceedings of the Additional District Magistrate, Ernakulam permitting the K.S.E.B. to draw electric line through her property to give power supply to the third respondent herein. According to the petitioner, connections are given to several persons from the post standing in her property. She claims that she has already moved for shifting the line. The order for shifting is not implemented because she failed to deposit the amount directed by the K.S.E.B. She submits this additional connection proposed to be given will further affect the utility of her land. So, she prays for quashing Ext.P1.

2. The second and third respondents have filed separate counter affidavits supporting the impugned order. Along with the counter affidavit, the K.S.E.B. has produced Ext.R2 (a) sketch . Going by the sketch it could be seen that there is a line connecting 'B' and 'D'. 'C' is the middle point which is in a pathway. If a post is put up there, the third respondent can be given connection by drawing 7 metres of weather proof service wire. So, according to the K.S.E.B., this is the shortest, feasible and less expensive way. The third

respondent also supports the said stand of the K.S.E.B.

3. Heard. Going by Ext.R2(a) sketch, I find that by drawing of the said line, no prejudice is at present caused to the petitioner. If there is a proposal to remove the line 'B-D', then of course, the petitioner may be affected. If that line is removed after giving connection to the third respondent she will also be affected by such removal.

4. At present, the petitioner cannot raise any objection against giving connection from 'C' to 'O'. So, the second respondent will be free to provide connection as per Ext.R2(a) sketch. Even if a line is drawn with the order of the Additional District Magistrate, nothing prevents the affected persons from moving to remove it or to shift it. If the petitioner moves for shifting the line connecting 'B' and 'D' needless to say thereafter the third respondent shall also be heard before orders are passed on any such motion.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
MS JUDGE.